

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA**

LENKA KNUTSON and	)	
SECOND AMENDMENT FOUNDATION,	)	
INC.,	)	
	)	
Plaintiffs,	)	
v.	)	Case No. 9:16-CV-62-DWM
	)	
CHUCK CURRY, in his official capacity as	)	
Sheriff of Flathead County, Montana,	)	
	)	
Defendant.	)	

**STIPULATION TO ENTRY OF FINAL JUDGMENT  
AND PERMANENT INJUNCTION**

The parties to this matter, by and through their respective counsel, hereby stipulate to the entry of the following order for final judgment and permanent injunctive relief of the Court:

The Plaintiffs are challenging M.C.A. § 45-8-321(1), which requires an applicant for a Montana Concealed Carry Permit (“CCP”) to be a citizen of the United States. Plaintiffs allege M.C.A. § 45-8-321(1) is unconstitutional as applied to lawful permanent residents. Plaintiffs seek to enjoin Defendant from enforcing M.C.A. § 45-8-321(1) against lawful permanent residents.

United States Citizenship and Immigrations Services defines lawful permanent resident as any person not a citizen of the United States who is residing in the United States under legally recognized and lawfully recorded permanent residence as an immigrant.

The Fourteenth Amendment provides, “Nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.” *Graham v. Richardson*, 403 U.S. 365, 371 (1971). “It has long been settled, and it is not disputed here, that the term “person” in this context encompasses lawfully admitted resident aliens as well as citizens of the United States and entitles both citizens and aliens to

the equal protection of the laws of the State in which they reside.” *Id.*

Accordingly, the parties stipulate that the Court shall issue an order, pursuant to Plaintiffs’ as-applied challenge to M.C.A. § 45-8-321(1) *via* the Equal Protection Clause of the Fourteenth Amendment, enjoining Defendant from enforcing M.C.A. § 45-8-321(1) as applied to the application of lawful permanent residents to obtain a permit to carry a concealed handgun, provided they are otherwise-qualified.

Upon entry of the final order and permanent injunction, Defendant shall allow Plaintiffs and other lawful permanent residents residing in Montana to apply to obtain a permit to carry a concealed handgun, provided they are otherwise-qualified to apply for a permit pursuant to M.C.A. § 45-8-321.

Further, upon entry of the final order and permanent injunction, Defendants will compensate Plaintiffs for reasonable attorneys’ fees as required under 42 U.S.C. §1988. If the parties are unable to reach an agreement as to the amount of fees reasonable in this case, the parties will pursue such determination from this Court.

Count II of Plaintiff’s Complaint is voluntarily dismissed per F.R.Civ.P. 41(a)(1)(A)(ii).

Agreed to on the 22nd day of August, 2016:

CHUCK CURRY, Defendant.

LENKA KNUTSON, *et al*, Plaintiffs.

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